

Notice of Allowability

Application No.

09/706,737

Examiner

Elias Desta

Applicant(s)

CASTELLI ET AL.

Art Unit

2857

*Am***-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After final amendment filed on 9/6/2005.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Detailed Action

Response to Amendment

1. Applicant's arguments, see after final amendment, filed on August 6, 2005, with respect to claims 1, 28, 29 and 30 have been fully considered and are persuasive. The rejection of claims 1-30 has been withdrawn.

Allowance

2. Claims 1-30 are allowed. The following is an examiner's statement of reasons for allowance:

In reference to claims 1 and 28-30: *Waclawski* (U.S. Patent 6,574,587) teaches system and method for extracting and forecasting computing resource data using autoregressive model (see *Waclawski*, column 1, lines 58-65). The computing resource platform includes a plurality of statistical collapse models that collapse the performance data into a time series or ordered sequence of observation (see *Waclawski*, column 2, lines 62-67).

The claimed invention; however, does not use time series collapsible statistical model to forecast computing resources, rather, the forecasting of computing resources is performed based on past and present observation of measurements related to resources. The pre-processing includes decomposing

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the past and present observation into a smooth, jump, spike, and noise time sequence where the method provides a detection of the jumps and spikes and removing the jumps, spikes and noise signal to obtain a smooth version of the desired signal thereby provide a basis for forecasting.

Citation of pertinent prior art:

- Green et al. (Market Data System Publication, 'Algorithm for Filtering of Market Price Data') teaches a demonstration of a set of data filtering and data cleaning analytic functions and their rational assembly in terms of generic computer algorithms, which are not dependent on the market data type.
- James et al. (U.S. Patent 6,625,569) teaches real-time spatio-temporal coherence estimation for autonomous mode identification and invariance tracking.
- Shurlock et al. (NWP Publication, 'Numerical Weather Prediction: Two-Dimensional grid point variation analysis') teaches a univariate analysis that, from the truth field, randomly generates a background field and a set of observations and using their correlated errors calculate an optimum analysis.

The remaining claims are dependent upon claim 1 and contain further limitations.

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3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Thu (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-273-8300 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1750.

Elias Desta
Examiner
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MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800